IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGMENT NO. 818 OF 2004
IN
Summary SUIT NO. 2478 OF 2004

Abu A. Azmi . .... Plaintiff
vs.
Zohra Rauf Shaikh ... Defendant

H. Toor /b. S. K. Legal Associates for Plaintiff
Sangita Musale i/b. Vinay Hegde , for defendant

CORAM: S. U. KAMDAR J.

Date: 28/9/2005

P.C.

The Plaintiff has filed the present suit filed for the recovery of the amount on a honoured cheque. This cheque is supposed to have been given as a loan by the Plaintiff to the defendant for running a restaurant with the Airport Authority of India. It also relies upon a letter issued by the Airport Authority of India to the defendant and the fixed deposit receipt issued by the Punjab National Bank in favour of Airport Authority of India. Neither the said letter dated 8th August 2001 issued by the Airport Authority of India nor the receipt issued by the Punjab National Bank, indicates that the Plaintiff is concerned with the same. That is an independent transaction between th defendant and the Airport Authority of India . The suit is not maintainable as a summary suit on a mere on

a honoured cheque under Order XXXVII Rule 2. Unconditional leave to defend.

Suit transferred to the list of Commercial causes. Written statement or points of defence to be filed four weeks from today. Affidavits, list of documents to be filed within four weeks thereafter. Inspection within four weeks thereafter. Suit to be on board of the learned Judge taking Commercial Causes.

(S. U. KAMDAR J.)

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